

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MCM GROUP 22 LLC,
Plaintiff,

v.

LYNDON PERRY,
Defendant.

Civil Action No.: 22-cv-06157-JHR

**DECLARATION IN OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

I, Erik Dykema, hereby declare as follows under penalty of perjury:

1. I am attorney admitted to the bar of this Court, and I have personal knowledge of the facts stated herein.
2. Attached as Exhibit A to this declaration is a copy of an email from Twitter reporting Defendant's DMCA counter-takedown notification. I redacted it to remove confidential and privileged information.
3. I reviewed the beginning portion of the video that is the subject of the Copyright Registration in this action. Approximately the first 10 minutes of the video are dialogue.

Inter alia, the following lines of dialogue occur at the beginning of the video:

[Male Actor] – How you doing?

[Female Actor] – Hi, good.

[M] – Yeah?

[F] – Yep.

[M] – You're here to do your first adult film. How do you feel?

[F] – Pretty comfortable actually. Yeah. Way less nervous than I thought I'd be. And everything seems really relaxed and easy.

[M] – Well that's good.

...

[M] – Are you in a relationship right now?

[F] – Ah, no...

4. The dialogue continues for approximately the first ten minutes. During this time, the male actor asks questions and engages in conversation with the female actor, who answers questions and tells stories.

Dated: March 8, 2023

Respectfully submitted,

By: /s/ Erik Dykema

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